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**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
(Billings Division)**

SIGNAL PEAK ENERGY, LLC,

Plaintiff,

v.

EASTERN MONTANA MINERALS,  
INC., and MUSSELHELL RESOURCES,  
LLC,

Defendants.

Case No.: 1:12-cv-00055-RFC

**NOTICE OF MOOTNESS**

EASTERN MONTANA MINERALS,  
INC., and MUSSELSHELL RESOURCES,  
LLC,

Counterclaim Plaintiffs,

v.

SIGNAL PEAK ENERGY, LLC;  
FIRSTENERGY CORP.; FIRSTENERGY  
VENTURES CORP.; FIRSTENERGY  
GENERATION CORP.; GUNVOR  
GROUP, LTD.; PINESDALE LLC;  
BOICH COMPANIES, LLC; WMB  
MARKETING VENTURES, LLC;  
GLOBAL COAL SALES GROUP, LLC;  
and GLOBAL MINING HOLDING  
COMPANY, LLC,

Counterclaim Defendants.

Defendants/Counterclaim Plaintiffs Eastern Montana Minerals, Inc. and Musselshell Resources, LLC (collectively “Defendants/Counterclaim Plaintiffs”), respectfully provide notice to this Court that they have conferred with counsel for all parties, and all parties agree that all pending Motions to Dismiss filed by the Counterclaim Defendants are now moot in light of the Amended Answer with Counterclaims [Doc. # 61] filed by the Defendants/Counterclaim Plaintiffs.

For this Court’s convenience, the Motions to Dismiss which are now moot are docketed as follows:

- (1) Doc. # 35 (Signal Peak);
- (2) Doc. # 38 (Gunvor);

- (3) Doc. # 40 (Pinesdale);
- (4) Doc. # 42 (Boich);
- (5) Doc. # 44 (FirstEnergy Generation);
- (6) Doc. # 46 (FirstEnergy);
- (7) Doc. # 48 (FirstEnergy Ventures);
- (8) Doc. # 50 (Global Coal Sales Group); and
- (9) Doc. # 52 (Global Mining Holding Company).

The Counterclaim Defendants have indicated that they intend to refile Motions to Dismiss in response to the Amended Answer with Counterclaims.

**DATED** this 23<sup>rd</sup> day of July, 2012.

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